

**ORDER BELOW EXHIBIT- 23**

By application dated 10.06.2026 Exh.23, respondent No.1 has prayed for setting aside Ex-parte order dated 22.01.2026.

**2.** According to respondent No.1 he was engaged in urgent office work, therefore he could not remain present on the appointed date before this Court. This ground has been assailed as fanciful and without any evidence by the appellants.

**3.** Heard both the learned advocates. In my considered view, every proceeding should be decided on merits. Moreover, it appears that, no prejudice would be caused to the other side if application is allowed subject to reasonable costs. Hence, considering the reasons mentioned in the application Exh.23, "Ex-parte." order passed against respondent No.1 is liable to be set aside so that due opportunity of hearing could be given to respondent No.1. **Hence, application is allowed subject to payment of costs of Rs. 5000/-.**

Date: 10.06.2026

**(B.U. Choudhari)**  
Ad-hoc District Judge-2,  
Kandhar